

Order

Michigan Supreme Court
Lansing, Michigan

January 29, 2010

Marilyn Kelly,
Chief Justice

139118

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 139118
COA: 289841
Wayne CC: 74-000772-FM

GEARY GILMORE,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the June 3, 2009 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the trial court for a decision on the defendant's motion to disqualify Judge Prentis Edwards, for reconsideration of the defendant's successive motion for relief from judgment, and for any further proceedings not inconsistent with this order. Judge Edwards should not have decided the defendant's successive motion for relief from judgment without first deciding the motion to disqualify. On remand, the trial court shall decide the motion to disqualify under MCR 2.003 before addressing the defendant's successive motion for relief from judgment.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 29, 2010

Corbin R. Davis

Clerk